United States District Court
Southern District of Texas

ENTERED

May 08, 2020 David J. Bradley, Clerk

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS HOUSTON DIVISION

KAREM MAGHAREH, ET AL.,	§	
Plaintiffs.	§ § 8	
VS.	§ §	CIVIL ACTION NO. 4:19-CV-00238
	§	
ALEX AZAR, in his official capacity as	§	
SECRETARY, DEPARTMENT OF	§	
HEALTH AND HUMAN SERVICES,	§	
	§	
Defendant.	§	

ORDER ADOPTING MAGISTRATE JUDGE'S MEMORANDUM AND RECOMMENDATION

On April 8, 2020, United States Magistrate Judge Andrew M. Edison filed a Memorandum and Recommendation (Dkt. 45) recommending that that Plaintiffs' Motion for Summary Judgment (Dkt.37) be **GRANTED** and Defendant's Motion for Summary Judgment (Dkt. 38) be **DENIED**.

On April 22, 2020, Defendant filed his Objections. *See* Dkt. 49. On May 6, 2020, Plaintiffs filed their response to Defendant's Objections. *See* Dkt. 50. In accordance with 28 U.S.C. § 636(b)(1)(C), this Court is required to "make a de novo determination of those portions of the [magistrate judge's] report or specified proposed findings or recommendations to which objection [has been] made." After conducting this de novo review, the Court may "accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." *Id.*; *see also* FED. R. CIV. P. 72(b)(3).

The Court has carefully considered the Objections; the Memorandum and

Recommendation; the pleadings; and the record. The Court ACCEPTS Judge Edison's

Memorandum and Recommendation and ADOPTS it as the opinion of the Court. It is

therefore **ORDERED** that:

• Judge Edison's Memorandum and Recommendation (Dkt. 45) is **APPROVED AND ADOPTED** in its entirety as the holding of the

Court;

• Plaintiffs' Motion for Summary Judgment (Dkt. 37) is **GRANTED**;

• Defendant's Motion for Summary Judgment (Dkt. 38) is **DENIED**;

• The decision of ALJ Thomas is **REVERSED**; and

• The case is **REMANDED** to the Department of Health and Human Services for reconsideration in accordance with this opinion and

applicable law.

It is so **ORDERED**.

SIGNED at Houston, Texas, this 8th day of May, 2020.

GEORGE C. HANKS, JR.

UNITED STATES DISTRICT JUDGE

2